

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Applicant gratefully acknowledges that the Office Action did not reject Claims 4, 6, 7, 11, and 14 over the prior art. By way of the foregoing amendments, Claims 4 and 7 have been placed in independent form, and the remaining claims have been amended to depend therefrom.

Objection to the Abstract

At page 2 of the Office Action, the Abstract was objected to because it allegedly did not conform with current U.S. practice. Applicant respectfully requests reconsideration of this objection.

By way of the foregoing amendments, the Abstract has been revised to better comply with U.S. patent practice.

For at least the foregoing reasons, Applicant respectfully submits that the Abstract is not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

Objection to the Claims

At page 2 of the Office Action, Claims 9, 10, 12, and 13 were objected to because they allegedly contained objectionable irregularities. Applicant respectfully requests reconsideration of this objection.

By way of the foregoing amendments, Claims 9 and 12 have been revised as kindly suggested in the Office Action.

For at least the foregoing reasons, Applicant respectfully submits that Claims 9, 10, 12, and 13 are not objectionable, and therefore respectfully requests withdrawal of the objection thereto.

Rejection under 35 U.S.C. § 112, first paragraph

In the Office Action, beginning at page 2, Claims 2-7 and 10-14 were rejected under 35 U.S.C. § 112, first paragraph, as reciting subject matters that allegedly fail to satisfy the ‘Written Description’ requirement thereof. Applicant respectfully requests reconsideration of this rejection.

While Applicant strongly disagrees with the inference in the Office Action that the skilled artisan, upon a full and fair reading of the present application, would not understand that Applicants had full possession of the claimed invention, based on the Office Action’s differentiation between the words “essentially” and “substantially”, Applicants have revised the claims to recite the word “essentially” in order to advance prosecution.

For at least the foregoing reasons, Applicant respectfully submits that Claims 2-7 and 10-14 fully comply with 35 U.S.C. § 112, first paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.

Rejection under 35 U.S.C. § 112, second paragraph

In the Office Action, beginning at page 3, Claim 8 was rejected under 35 U.S.C. § 112, second paragraph, as reciting subject matter that allegedly is indefinite. Applicant respectfully requests reconsideration of this rejection.

Applicant has, by way of the foregoing amendment, revised Claim 8 to indicate that the ‘means’ comprises the nozzles.

For at least the foregoing reasons, Applicant respectfully submits that Claim 8 fully complies with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.

Rejection under 35 U.S.C. § 102

In the Office Action, beginning at page 4, Claims 1-3, 5, 9, 10, and 12 were rejected under 35 U.S.C. § 102, as reciting subject matters that allegedly are anticipated by one or more

of Japanese patent publication no. 2000-352320 (“JP ‘320”), U.S. Patent No. 4,828,175, and U.S. Patent No. 3,710,889 (“Lamy”). Applicant respectfully requests reconsideration of this rejection.

While Applicant disagrees with the negative patentability characterizations of the claimed subject matters contained in the Office Action, in an effort to expedite prosecution of the application towards passage to issue, Claims 4 and 7 have been placed in independent form. Accordingly, the rejections under section 102 are moot.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1-3, 5, 9, 10, and 12 are not anticipated by the prior art, are therefore not unpatentable under 35 U.S.C. § 102, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 102.

Rejection under 35 U.S.C. § 103(a)

In the Office Action, beginning at page 6, Claims 8 and 13 were rejected under 35 U.S.C. § 103(a), as reciting subject matters that allegedly are obvious, and therefore allegedly unpatentable, over the disclosure of *JP ‘320* in view of the disclosure of U.S. Patent No. 6,378,284 (Claim 8), and over *Lamy* alone (Claim 13). Applicant respectfully requests reconsideration of this rejection.

Claims 8 and 13 depend from allowable Claims 1 and 12, respectively, and are therefore allowable for at least the same reasons.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 8 and 13, each taken as a whole, would not have been obvious to one of ordinary skill in the art at the time of Applicant’s invention, are therefore not unpatentable under 35 U.S.C. § 103(a), and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 103(a).

Obviousness-type Double Patenting Rejection

In the Office Action, beginning at page 8, Claims 1-14 were (provisionally) rejected under the judicially-created doctrine of obviousness-type double patenting as reciting subject

matters that are allegedly not separately patentable over the subject matters recited in Claims 1-14 of U.S. application no.10/717,712 (“ ‘712 application”). Applicant respectfully requests reconsideration of this rejection.

Applicant files herewith a Terminal Disclaimer over the ‘712 application.

For at least the foregoing reasons, Applicant respectfully submits that the subject matters of Claims 1-14 are separately patentable over the subject matters of Claims 1-14 in the ‘712 application, and therefore respectfully requests withdrawal of the rejection thereof.

Conclusion

Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of this patent application is therefore respectfully solicited.

If Mr. Verdier believes that a telephone conference with the undersigned would expedite passage of this patent application to issue, he is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. If, however, additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is hereby authorized to charge fees necessitated by this paper, and to credit all refunds and overpayments, to our Deposit Account 50-2821.

Respectfully submitted,

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¹ 37 C.F.R. § 1.4(d)3)